

## **Remarks**

Claims 1 through 40 are pending. Claims 1, 25, 30-37 and 39 have been amended. Support for the amendments may be found throughout the specification.

### *Claim Rejections - 35 U.S.C. § 102*

The rejection of claims 1-7, 9, 10, 13, 18, 19, 22-27 and 28-30 under 35 U.S.C. § 102(b) as anticipated by Goddard (EP 0400847) has been maintained.

The Office Action maintains that Goddard discloses measuring time-dependent movement of the particle and notes that “the return of the particle to its resting position is movement.” In Goddard, the movement of the particle is only measured at a particular time and place, that is, each time the particle returns to a resting position. No measurement is made of the movement of the particle at any other point, nor is the particle’s movement monitored continuously. Applicants maintain that monitoring time-dependent movement, e.g., to and fro movement as it occurs over a period of time, is distinct from measuring a single point in time when a particle returns to a particular position, which is what is disclosed in Goddard. Applicants have amended the claims to clarify that Applicants’ invention involves *continuously* monitoring the *time-dependent* movement of a particle as it moves within the chamber, not just measuring the return of a particle to a particular position.

The Office Action states that repeatedly detecting a particular returning to a position after it was absent from that position, as is done by Goddard, is monitoring time-dependent movement of the particle. Applicants urge that this is quite different from *continuously* monitoring the *time-dependent* movement of a particle as it moves throughout a chamber, which is what is done in the instantly claimed invention. Although the Office Action points out that Goddard discloses that a Hall Effect sensor may be employed in detecting the return of the particle to its resting position, nowhere does Goddard disclose that the Hall Effect sensor may be used to monitor continuously the time-dependent movement of the particle as it moves throughout the chamber. The disclosure of Goddard is very narrowly written, enabling only use of the disclosed devices and methods to detect change in fluid state of a liquid by detecting the return of the particle to one position, that is, at the time of impact at the base of the chamber.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

The Office Action rejects claims 11, 12, and 15-17 under 35 U.S.C. § 103(a) as obvious in view of Goddard (EP 0400847). All of claims 11, 12 and 15-17 incorporate the limitation that the magnetic field sensor is operative to detect the time-dependent movement of the particle.

As discussed above, Goddard does not teach or suggest the invention claimed in claim 1. Thus, Goddard does not disclose or suggest dependent claims 11, 12, and 15-17. Moreover, there is no motivation provided to attempt modification of Goddard to achieve the claimed invention. Applicants urge that the claims are therefore patentable over Goddard. Reconsideration and withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 8, 14, 20, 21, and 31, as well as claims 32-40, under 35 U.S.C. § 103(a) as obvious in view of Goddard (EP 0400847) in combination with Oberhardt et al. (5350676). Oberhardt shows a method of measuring fibrinogen concentration in a sample by monitoring the minimum and maximum amplitude of particle oscillation or a change in the degree of particle movement relative to a magnetic field.

As discussed above, Goddard does not teach or suggest *continuously* detecting the time-dependent movement of the particle within the volume or sample with a magnetic field sensor. Thus, Goddard does not disclose or suggest claims 8, 14, 20, 21, and 31-40. Oberhardt does not remedy the deficiencies of Goddard. Applicants urge that the claims are therefore patentable over Goddard in combination with Oberhardt. Reconsideration and withdrawal of the rejection is respectfully requested.

### Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
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